

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

Chapter 7

BMT DESIGNERS & PLANNERS, INC.,
fdba BMT D&P, fdba BMT fdba BMT DAS US,

Case No. 22-10123 (MG)

Debtor.
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**ORDER AUTHORIZING AND APPROVING THE RETENTION OF LAMONICA
HERBST & MANISCALCO, LLP AS GENERAL COUNSEL FOR THE TRUSTEE**

Upon the application (“Application”)¹ of Salvatore LaMonica, solely in his capacity as Chapter 7 Trustee (“Trustee”) of the bankruptcy estate of BMT Designers & Planners, Inc., fdba BMT D&P, fdba BMT, fdba BMT DAS US (“Debtor”), seeking entry of an Order of the Court authorizing and approving the retention of LaMonica Herbst & Maniscalco, LLP (“LH&M”) as his general counsel effective as of February 2, 2022, the date that LH&M began providing legal services to the Trustee in this matter; and upon the declaration of Jacquelyn S. Loftin, Esq., on behalf of LH&M, which is attached to the Application; and the Court being satisfied that: (i) LH&M neither represents nor holds any interest adverse to the Trustee or to the Debtor’s estate; (ii) LH&M is a “disinterested person” as that term is defined in 11 U.S.C. § 101(14) (“Bankruptcy Code”); and (iii) the retention of LH&M is necessary and would be in the best interest of the Debtor’s estate; it is hereby

ORDERED, that the Application is granted to the extent provided herein; and, it is further

ORDERED, that in accordance with Bankruptcy Code section 327(a), LH&M is authorized and approved to represent the Trustee as his counsel effective as of February 2, 2022; and, it is further

¹ Capitalized terms not defined herein shall have the definition ascribed to them in the Application.

ORDERED, that LH&M is authorized and approved to provide the following services to the Trustee and the bankruptcy estate:

- i. Perform legal services necessary to preserve and secure the assets of the Debtor's bankruptcy estate, including, but not limited to, 180 laptop computers holding CUI;
- ii. Assist the Trustee with the preparation of a motion pursuant to Bankruptcy Code sections 105(a), 541, 542 and 721, authorizing the Trustee to operate the Debtor's business and to pay certain operating expenses;
- iii. Assist the Trustee with the collection of Accounts Receivable and to analyze each of the Contracts to determine the disposition and the best way to treat and manage them in the bankruptcy proceeding;
- iv. Assist the Trustee with thorough investigation into the Debtor's assets and if the liquidation of the Debtor's assets is necessary, LH&M will assist the Trustee with the preparation of motions pursuant to Bankruptcy Code section 363;
- v. Assist the Trustee with a thorough investigation into the Debtor's financial and business affairs;
- vi. Investigate and advise the Trustee as to the actions and activities of any insider and the existence of any claims or causes of action that can be pursued for the benefit of the Debtor's bankruptcy estate;
- vii. Assist the Trustee in the pursuit and recovery of any avoidable transfers of the Debtor's assets under, inter alia, Bankruptcy Code sections 544, 546, 547, 548, 549 and 550, and the New York State Debtor Creditor law;
- viii. Prepare, file and prosecute motions objecting to claims, as directed by the Trustee, that may be necessary to complete the administration of the Debtor's estate; and
- ix. Prepare and file motions and applications as directed by the Trustee in connection with his statutory duties; and, it is further

ORDERED, that to the extent the Application is inconsistent with this Order, the terms of this Order shall govern; and, it is further

ORDERED, that the Bankruptcy Court shall retain jurisdiction to hear and to determine all matters arising from or related to implementation of this Order; and, it is further

ORDERED, that LH&M shall be compensated in accordance with, and will file interim and final fee applications for allowance of its compensation and expenses and shall be subject to Bankruptcy Code sections 330 and 331, the Bankruptcy Rules, the Local Rules and applicable law; and, it is further

ORDERED, that prior to any increases in LH&M's rates for any individual employed by LH&M and providing services in this case, LH&M shall file a supplemental affidavit ("Supplemental Affidavit") with the Bankruptcy Court and provide ten business days' notice to the Debtor, the United States Trustee and any official committee. The Supplemental Affidavit shall explain the basis for the requested rate increases in accordance with Bankruptcy Code section 330(a)(3)(F) and state whether the Trustee has consented to the rate increase. The United States Trustee retains all rights to object to any rate increase on all grounds including, but not limited to, the reasonableness standard provided for in Bankruptcy Code section 330.

IT IS SO ORDERED.

Dated: March 1, 2022
New York, New York

/s/ Martin Glenn
MARTIN GLENN
United States Bankruptcy Judge

NO OBJECTION:

William K. Harrington
United States Trustee for Region 2

By s/ Andrea B. Schwartz
Andrea B. Schwartz, Esq. Trial Attorney